

Township of Ocean

Land Development Ordinance

**Amended Through December 31, 2012
Ordinance # 2192**

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LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF OCEAN

ARTICLE I. GENERAL PROVISIONS

21-1 Title.

An ordinance to limit and restrict to specified zones and to regulate therein, development, buildings and structures according to their construction, and the nature and extent of their use, and the nature and extent of the uses of land in the Township of Ocean, Monmouth County, New Jersey, including the right to regulate and restrict: the area, depth and width of all parcels of land; the size, height, number of stories, and sizes of buildings, and other structures; the percentage of lot area that may be occupied by buildings and structures; the size of yards, courts and other open spaces; the density of population; the visual environment; and the location, use and extent of use of buildings, structures and land for trade, industry, residence, and other purposes.

21-2 Short Title

The short title by which this chapter shall be known is "The Land Development Ordinance of the Township of Ocean."

21-3 Purpose

This Ordinance is adopted pursuant to the Municipal Land Use Law of the State of New Jersey, Revised N.J. Statutes 40-55D-1, et seq. in order:

to promote the public health, safety, morals, and general welfare;

to secure safety from fire, flood, panic, and other natural and man-made disasters;

to provide adequate light, air, and open space;

to insure the development of the Township of Ocean does not conflict with the development and general welfare of neighboring municipalities, Monmouth County, and the State of New Jersey as a whole;

to promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities, and regions and to the preservation of the environment;

to encourage the appropriate and effective expenditure of public funds by the coordination of public development with land use policies;

to provide sufficient space and appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses, and open space, both private

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and public, according to the respective environmental requirements in order to meet the needs of the Township's citizens;

to encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight;

to promote a desirable visual environment through creative development techniques, and good civic design and arrangements;

to promote the conservation of historic sites and districts, open space, energy resources, and valuable natural resources in the Township, and to prevent urban sprawl and degradation of the environment through improper use of land;

to encourage senior citizen community housing construction consistent with provisions permitting other residential uses of a similar density in the same zoning district;

to encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and the more efficient use of land;

to promote utilization of renewable energy sources; and

to promote the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the State Recycling Plan goals.

21-4 Scope

It is not intended by this chapter to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this chapter.

Where this chapter imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or lot coverage, or requires greater lot area, or larger yards, or other open space as are imposed or required by such rules, regulations, or permits or by such private restrictions, the provisions of this chapter shall prevail.

ARTICLE II. ABBREVIATIONS AND DEFINITIONS

21-5 Explanation of Terms.

All words herein used in the present tense shall include the future, the singular shall include the plural, and the plural the singular. The word "shall" is mandatory, not directory.

Where any word or phrase herein is also defined in the Municipal Land Use Law of the State of New Jersey, Revised N.J. Statutes 40-55D-1, et. seq., the more restrictive of the definitions shall apply. Where any word or phrase is not defined herein, but is defined in the Municipal Land Use Law of the State of New Jersey, Revised N.J. Statutes 40-55D-1, et. seq., said definition shall also apply in this Ordinance. Unless otherwise expressly stated, the following words and phrases are defined as follows:

21-6 Abbreviations and Definitions

The abbreviation "MLUL" shall mean the Municipal Land Use Law (N.J.S. 40:55D-1 et seq.).

"Administrative Officer" shall mean the Planning Administrator.

"Affordable Apartment Flats" shall mean a development consisting of multi-family residential dwelling units with each unit being on a single floor. A specific number of the dwelling units in such a development shall be affordable to and occupied by low and moderate income families as required and defined by the State of New Jersey Council on Affordable Housing.

"Affordable Residential Development" shall mean a residential development consisting of one or more of the following: detached single family residences, townhouse units, senior citizen housing. A minimum of 20 percent of the dwelling units in an affordable housing development shall be affordable to and occupied by low and moderate income families and at least one-half of these shall be affordable to and occupied by low income families as defined by State of New Jersey Council on Affordable Housing.

"Agriculture" shall mean the growing of crops, truck gardening, raising or breeding of horses, sheep, dairy, poultry or other farm livestock; orchard, wood lot, reforestation, nursery or greenhouses or other agricultural or horticultural purposes. Agricultural land shall include open or wooded acres, ponds, brooks, swamps and meadows.

"Alteration" shall mean a change or rearrangement in any facade or structural part of an existing structure which alters the use or exterior appearance of that structure.

"Alternative tower structure" shall mean man-made trees, clock towers, bell steeples, light poles and similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers.

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"Antenna" shall mean any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

"Automotive accessory sales and installation" shall mean any facility which sells and installs automotive accessories which are not essential or integral to the operation of the automobile. Typical accessories, for the purpose of this definition include car stereos, car phones, burglar alarms, and the like. The sale and installation of window glass, convertible tops, air conditioning units, and similar items are not considered automotive accessories for the purposes of this definition.

"Automotive detailing" shall mean the cleaning and finishing of automobiles, by appointment only, limited to the interior clearing and shampooing; the exterior cleaning, polishing, and waxing; the installation of pin striping, lettering and graphics; glass tinting; and paintless dent removal.

"Automotive gasoline station" shall mean any establishment servicing motor vehicles with fuel, but not including repairs, changing of tires, or any other replacement of essential or accessory parts. Automotive gasoline stations may service automobiles by adding oil, windshield washer fluid, or similar fluids, but shall not provide any services which require bays or lifts, such as oil changes or lubrication of chassis.

"Automotive gasoline station/C-Store" shall mean an automotive gasoline station which has, on the same site, a retail store selling convenience household items such as prepackaged food items, ice cream, baked goods, beverages, paper products, and similar items geared for the use and convenience of the motorists utilizing the gasoline pumps. It is the intent that a C-Store provide convenience items to the motoring public which will generally be utilized or consumed at a separate destination, and not on site. A "C-Store" shall not include any food items prepared or heated on site either by the customer or employees, with the exception of baked goods, ice cream and beverages. Any gasoline station which has a retail store on the same site which: has either counter space, tables or seating for the on-site consumption of food; prepares foods on site not specifically permitted above, including but not limited to sandwiches, hamburgers, hot dogs, pizza, and soups, or; has a drive-thru window, shall not be considered an automotive gasoline station/C-store, and shall be considered either a restaurant or fast food restaurant as defined in this Section.

"Automotive Rentals and Leasing" shall mean any establishment renting or leasing passenger cars and vans to the general public. Automotive rentals and leasing shall include both long term and short term rentals and leasing. It shall not include the sale of vehicles or the servicing of vehicles other than those vehicles which are part of the establishment's fleet.

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"Automotive Service and Inventory Storage" shall mean a use consisting of the storage of inventory and/or servicing of automobiles in support of an existing 'Automotive Sales and Service' use. Automotive service and inventory storage may include, as an accessory to the servicing of automobiles, the sale of parts, supplies and accessories. Automotive service and inventory storage shall not include facilities for the long term or short term storage of damaged automobiles.

"Automotive Service Station" shall mean any establishment, whether or not serving gasoline, serving motor vehicles with vehicle maintenance not requiring extensive or prolonged mechanical work (for the purposes of this ordinance, extensive or prolonged mechanical work shall mean work which requires a vehicle to be on the site for a period of more than 30 days) before completion. Service work offered shall be limited to: oil changes; lubrication; tune-ups; minor engine or drive train repairs; installation of tires, batteries, and accessories; wheel balancing and alignment; and the replacement of mechanical parts such as hoses, spark plugs, ignition wiring, brakes, alternators, water pumps and similar parts not requiring extensive repairs. Repair facilities which provide repairs and service to any large trucks or equipment such as semi-tractors, or heavy grading equipment shall not be considered automotive service stations. Repair facilities which provide automotive body or collision repairs shall not be considered automotive service stations.

"Automotive Sales and Service" shall mean any establishment selling new and/or used passenger cars and vans to the general public. Automotive sales and service may include, as an accessory to the sale of automobiles, service and repair facilities and the sale of parts, supplies, and accessories. Automotive sales shall include the long term leasing of automobiles and the short term rental of automobiles, but shall not include facilities solely for the long term or short term storage of used, damaged, or repossessed automobiles. Automobile sales and service may also include truck sales and service if the trucks do not exceed 19,000 GVW and subject to the limitations of Article IV, Section 21-51.12.

"Automotive sales lot" shall mean any establishment selling new and /or used passenger cars and vans to the general public, but not including the dispensing of gasoline and fuel, service, repairs, or solely the storage of vehicles. Automotive sales shall include the long term leasing of automobiles.

"Basement" shall mean "Cellar."

"Billboard" shall mean any permanent sign, notice or advertisement, pictorial or otherwise, regardless of its size or dimension, used as an outdoor display not related to a use on the lot on which it is located.

"Boarding house or rooming house" shall mean a building or part thereof, other than a hotel/motel or restaurant, wherein furnished or unfurnished rooms, with or without

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cooking facilities are provided for compensation for two or more persons not related to the owner or proprietor.

"Buffer" shall mean an area of heavy planting, which may include berms and/or fencing, so installed to provide both a visual and an acoustical barrier between properties. At a minimum, required buffers shall include 2 staggered rows of minimum 8' high evergreen trees planted 10' on center and 10' apart. This requirement may be altered by the Municipal Agency if existing vegetation makes such an arrangement impractical. The Municipal Agency may require a solid architectural fence within specific buffer areas in order to achieve the goal of a visual and acoustical barrier, however no fence in a buffer area shall be located closer than 10' to a property line in order to provide sufficient room for landscaping between the property line and the fence. The required buffer may be included within the required setback.

"Building" shall mean a combination of materials to form a construction adapted to permanent, temporary, or continuous occupancy and having a roof.

"Building - principal" shall mean a building on a lot in which the principal use of that lot is conducted.

"Building - accessory" shall mean a building in which an accessory use is contained.

"Building Coverage" means the ratio of the horizontal area of the ground floor of all buildings on a lot to the total lot area.

"Car wash" shall mean a building or structure or portion thereof where vehicles are washed or cleaned as the principal use.

"Cellar" shall mean any story which is not a "story above grade" as defined in this section. The term "basement" shall also mean "cellar".

"Certificate of occupancy" shall mean a certificate issued by the construction official or designated representative upon completion of the construction of a new building or upon a change in the use, occupancy, and/or occupants of a building which certifies that all requirements of this chapter, or such adjustments thereof which have been granted by the appropriate agency, and all other applicable requirements, have been complied with.

"Child Day Care Center" shall mean a facility within which child care services for pre-school children thru kindergarten, and/or pre-school education including kindergarten, are provided on a daily basis, and provided the facility is licensed by the N. J. Division of Youth and Family Services. A pre-school shall be considered a child day care center. For the purposes of this chapter, a child day care center shall not be considered a private school or a public school.

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"Club" shall mean a nonprofit corporation, organization, or association of persons who are members thereof, which owns or leases a building or part thereof for the use of members or guests. Food, meals and alcoholic beverages may be served as an incidental function of this use, provided that adequate facilities are present and further provided that all Federal, State and municipal laws are complied with.

"Cluster development" shall mean the subdivision or development of a tract in which a portion of the tract may be developed at a greater density or intensity of land use in exchange for the appropriate reservation, through deed restriction, of common open space, or land for other public purposes, on the remainder of the tract.

"Community Recreation Center" shall mean a public or quasi-public facility offering a variety of recreational, social and educational programs and services to the general public or its members. Facilities may include: active recreation facilities including but not limited to swimming pools, gymnasiums, exercise rooms, outdoor courts and fields; meeting rooms; classrooms; administrative offices directly related to activities and services conducted at the community recreation center; auditoriums and theaters; libraries; and other similar facilities geared towards providing recreational or social activities or services for the general public or members. For the purposes of this Ordinance, public parks and playgrounds and their related facilities shall not be considered community Recreation Centers, but shall be considered government buildings and services.

"Conditional use" shall mean a use permitted in a particular zoning district only upon a showing that such use in a specified location will comply with the conditions and standards for the location or operation of such use as contained in this chapter and upon the issuance of an authorization therefore by the Planning Board.

"Conservation easement" shall mean the reservation of any portion of a tract or site by easement, as required by the municipal agency, for the purpose of protecting and maintaining the natural characteristics of the designated area which are in existence at the time of the development application.

"Crosswalk or walkways" shall mean a right-of-way, dedicated to public use, to facilitate pedestrian access through a subdivision or site.

"Curb level" shall mean the grade at the top of the curb in front of the midpoint of the lot as established by the Municipal Engineer.

"Development" shall mean the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, alteration, relocation, or enlargement of any building or other structure, or of any mining, excavation or landfill, and any use or

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change in the use of any building or other structure, or land or extension of use of land, or amendment thereto adopted and filed pursuant to this act.

“Discontiguous Cluster Option shall mean the provision for residential development on a single tract for which the maximum permitted number of residential units is the sum of the total permitted on the principal tract and any units that would otherwise be permitted on discontinuous tracts, as defined in this Ordinance.

‘Discontiguous Tract’ shall mean a tract of land that is not a part of a Principal Tract, and is either specifically identified in the development application or is to be acquired in the future by the Township via an established Open Space Trust Fund. Such tract shall be dedicated to the Township for municipal purposes, recreation or open space, and must have been accepted by the Governing Body for such purposes. Once accepted, it may be utilized to calculate the maximum permitted number of residential dwelling units to be constructed on the Principal Tract for a development that is to be constructed under the Discontiguous Cluster Option provisions of this Ordinance.”

"Distribution center" shall mean a facility for the temporary storage and eventual distribution of goods to the primary users, used in combination with a physically and functionally connected business office which shall not be less than 4,000 square feet.

"Drainage right-of-way" shall mean the lands required by the installation of storm sewers or drainage ditches or lands or interests therein required along a natural or man-made stream or watercourse for preserving the channel and providing for the flow of water therein, so as to safeguard the public against flood damage in accordance with N.J.S.A. 7:13-1 et seq. as amended and supplemented to date.

"Drive-in/Drive-thru establishment" shall mean any eating establishment which is designed to provide, either wholly or in part, service to customers while in their automobiles on the premises.

"Dwelling unit" shall mean a house, trailer, or other structure or a portion of any building or structure designed, arranged or used for living quarters for one or more persons living as a single housekeeping unit with cooking and bathroom facilities, but not including units in hotels, motels or other similar structures designed for transient residence.

"Dwelling unit, efficiency" shall mean a dwelling unit consisting of a single room or common space exclusive of bathroom or kitchen facilities.

"Dwelling unit density (residential density)" shall mean the average number of dwelling units per acre of ground in a given location or area.

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"Dwelling, one-family" shall mean a detached building designed for, or occupied exclusively by, one family.

"Dwelling, multi-family" shall mean a building used or designed as a residence for four or more families living independently of each other and doing their own cooking therein, including apartment houses and garden apartments, but not including townhouses, motels or hotels.

"Dwelling, townhouses" shall mean more than two single family dwelling units which are attached by a common wall to each other together with individual rear and front entrances. A townhouse unit may have a front and/or rear yard design as an integral part of each unit or all townhouse units in a complex may share common outside facilities in conformance with an approved site plan. A townhouse dwelling unit has its own separate storage area and heating system and is considered to be an independent operating unit.

"Easement" shall mean a restriction established in a real estate deed, or shown and defined on the filed map of a subdivision, to permit the use of land by the public, a corporation, or particular persons for specific uses.

"Facade" shall mean the total exterior wall surface, including door and window areas, of any side of a building.

"Family" as included in the term single family and as may be used elsewhere in this chapter shall mean one or more persons, limited in number under the applicable housing code provisions, whether related by blood, marriage, or adoption, or unrelated, occupying a premises and living as a single nonprofit bona fide housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, organization or similar group, nor shall it include any group of persons whose use or occupancy of any dwelling is or is intended to be temporary. As utilized herein bona fide housekeeping unit shall mean a relationship between persons for maintaining a common household in a style generically characterized by a stability, permanency and functionality which in all respects, and to all outward appearances, presents a picture very much akin to that of a traditional family.

"Family Day Care Home" shall be as defined in the Municipal Land Use Law (C. 40:55D-66.5).

"Farm" shall mean a lot, as defined herein, having an area of not less than five acres and used exclusively for agricultural purposes as defined by this chapter. A single family dwelling may be part of a farm.

"Fast food restaurant" shall mean any restaurant or eating establishment which primarily serves pre-packaged or pre-made meals for consumption on or off premises.

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A fast food restaurant may or may not have tables, and the patron obtains food directly from the dispensing counter. The term "fast food restaurant" shall include drive-in / drive thru restaurant.

"Fence" shall mean a structure above the surface of the ground to enclose a yard or create a barrier.

"Fence — Solid Architectural" shall mean any fence of which the structural components form a solid or nearly solid visual and physical barrier. Examples of such fences include a "board-on-board" fence, a picket fence where the openings between the slats are less than the widths of the slats, or a stockade fence. Chain link fences without slats, and picket fences where the gaps are equal to or greater than the width of the slats shall not be considered to be solid architectural fences.

"Finished grade" shall be the ground elevation measured directly adjacent to a building.

"Flood fringe area" shall mean that portion of the flood hazard area outside of the floodway based on the total area inundated during the regulatory base flood plus twenty-five percent of the regulatory base flood discharge.

"Flood hazard area" shall mean that portion of the flood plain consisting of the floodway and the flood fringe area.

"Flood plain" shall mean the channel and the relatively flat area adjoining the channel of a natural stream or river, which has been or may be covered by floodwater.

"Floodway" shall mean the channel of a natural stream or river and portions of the flood plain adjoining the channel, which are reasonably required to carry and discharge the floodwater or flood flow of any natural stream or river.

"Floor" shall mean the lower surface of each story, attic or basement of a building.

"Floor area" shall mean the horizontal area of a floor of a building measured from the exterior faces of walls of each such floor.

"Floor area, gross" shall mean the area of all floors of a building including interior halls, mezzanines, and finished storage space, including basement area. Exterior balconies, garages, and unfinished and unoccupied basements or attics shall not be included in the calculation of gross floor area.

"Floor area ratio" shall mean the gross floor area of all principal and accessory buildings on a lot divided by the total lot area. (Amended January 5, 1994 - Ordinance 1657)

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"Garage, parking" shall mean a building which is used for commercial purposes and is used only for the storage of motor vehicles.

"Garage, private" shall mean an accessory building or part of a principal building used only for the storage of motor vehicles as an accessory use. In a residential zone, a garage is intended for and used for storing personal belongs of the family or families residing in the principal residential use on the lot. In a residential zone, a detached garage can be no larger than two spaces or 24' X24'.

"Golf Course/Country Club" shall mean a facility which includes a golf course which has minimum of 9 holes, and may contain other recreational facilities such as tennis courts, banquet/dining halls, residential facilities for year round and seasonal staff, and accessory maintenance/storage buildings which are customarily associated with Golf Courses and Country Clubs.

"Gun Shop" is a retail establishment where the primary activity is the sale and service of guns and portable firearms and accessories.

"Height, building" shall mean the vertical distance, in feet, measured from floor elevation of the first floor of the building to the highest point of the roof. For the purposes of this calculation, the first floor of the building shall be that floor which is above finished grade, but no more than 54" above finished grade, at any point in the architectural front of the building excluding the area of any attached garage. In the event that the first floor which is above finished grade is more than 54" above finished grade at any point in the architectural front of the building, building height shall be measured from the finished floor of next lowest level of the building, whether it be a story above grade, a basement or a crawl space. Chimneys, spires, water towers, elevator penthouses, tanks, and similar projections, other than signs, shall not be included in calculating building height. Mansard roofs shall be considered a roof for the purposes of determining building height.

"Height, structure" shall mean the greatest vertical distance, in feet, measured any point of a structure, other than a building, to the ground immediately below.

"Height, wireless telecommunications tower" shall mean the distance measured from the finished grade to the highest point on the tower or other structure, including the base pad and any antenna.

"Home professional office" shall mean professional offices, located within the residence of the proprietor, which do not generally require client visits to the site. Examples of such professions include engineers, architects, accountants, professional planners, and attorneys. Medical and dental offices shall not be included in home professional offices. Any home professional office approved under the provisions of this Ordinance shall require an annual permit from the Township, which would require an annual inspection

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of the premises in order to determine that the use is in compliance with the provisions of this Ordinance.

"Hotel/Motel" shall mean a building containing furnished rooms without kitchen facilities, and used, rented, or hired out to be occupied for sleeping purposes by transient guests who have their residence elsewhere. A general kitchen, dining room, or meeting rooms may be provided within the building or as an accessory building. Customary hotel/motel services must be provided such as, but not limited to, maid services, laundering of linen, telephone and secretarial or desk service and the use and upkeep of furniture.

"Houses of Worship" shall mean a building or buildings where congregants gather to worship and practice their faith. A house of worship shall contain a sanctuary or similar space of which the primary purpose is to conduct religious services, weddings and similar religious rites. Houses of Worship may also contain administrative offices as well as educational, social and recreational facilities, both indoor and outdoor, which are intended to primarily serve the members of the congregation.

"Landscaped area" shall mean areas containing trees, shrubs, and ground covers, pervious pedestrian and recreation areas, ponds, streams or any other areas or features which can be reasonably included, but shall not include areas occupied by buildings or structures, paving for parking, loading or access thereto, required buffers, impervious sidewalks, or areas utilized for outside storage. Required landscaped area shall be calculated by subtracting any required buffers, and undeveloped wetlands or floodplains, from the total lot area and multiplying the remaining lot area by the minimum percent of landscaped area required for the zone in which the property is located.

"Lot" shall mean a designated parcel, tract, or area of land established by a plat or otherwise as permitted by law and to be used, developed, or built upon.

"Lot area" shall mean an area of land which is determined by the limits of the lot lines bounding the area and shall be expressed in terms of square feet.

"Lot area, buildable" shall mean the total area of any lot or tract upon which any building or structure may be constructed, or upon which the density of a cluster development may be calculated. Buildable lot area shall be the total lot or tract area, less any required buffers, less any undeveloped wetlands or flood plains which are located outside the required buffers, less the required 25% landscaped area. Buildable lot area shall be calculated as follows:

Buildable lot area = (total lot or tract area - minus required buffer area - minus undeveloped wetlands or floodplains located outside any required buffer area) X 75%.

"Lot, corner" shall mean a lot at the junction of and fronting on two or more intersecting streets. All lot lines that front on a street shall be considered front lot lines. The lot lines

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or lines generally parallel to the architectural rear of the building shall be considered the rear lot line or lines.

In the case of a building facing toward the interior angle, rather than solely on one street frontage, there shall be no side lot lines, and any lot lines other than those considered front lot lines shall be considered to be rear lot lines.

Corner lots shall provide the minimum front yard setback for the respective zone for all intersecting streets. Where a building faces solely on one street, the required rear yard shall be provided on the side of the architectural rear of the building.

In residential zones, corner lots on collector, major, or arterial streets shall have driveway access only to the street of lesser traffic classification. Such driveway shall be a minimum of 50' or two-thirds of the lot frontage, whichever is less, from the corner of the parcel at the intersection of the streets.

"Lot coverage - building" shall mean the proportion of the buildable lot area, expressed as a percent, that is covered by the maximum cross section of a building or buildings, including accessory buildings. Where lot coverage is not specified as to building or impervious, lot coverage - building shall apply.

"Lot coverage - impervious" shall mean the proportion of the buildable lot area, expressed as a percent that is covered by the maximum cross section of all impervious surfaces and buildings, including accessory buildings.

"Lot depth" shall mean the shortest horizontal distance between the street line and the rear lot line.

"Lot, Flag" shall be any lot for which the only street access is via a narrow segment of land which cannot accommodate a conforming principal building at the required front yard setback and which has a larger developable area to the rear, with no other usable street frontage.

"Lot frontage" shall mean the horizontal distance between side lot lines measured along the street line. The minimum lot frontage shall be no less than 60 percent of the required minimum lot width. In the case of a corner lot, both frontages must meet the required lot frontage.

"Lot line" shall mean the boundary line of a parcel of land as shown on a certified filed map or as defined by a filed map or both. A lot line shall not be considered unless the lot is legally subdivided.

"Lot line, rear" shall be the lot line opposite the architectural rear of a building, or running generally parallel to the front lot line if no building exists on the lot. On a flag

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lot, any lot line which abuts the rear yard of an adjacent lot shall be considered a rear lot line. Every lot must have a rear lot line which shall be at least as long as 50 percent of the required lot width.

"Lot Width" shall mean the straight and horizontal distance between side lot lines at points on each side lot line measured at the minimum required building setback line.

"Lot, through" shall mean a lot running through from one street to another. A corner lot shall not be considered a through lot.

"Minor Site Plan Committee of the Planning Board." At the election of the applicant, applications for minor site plan approval which do not require the granting of any new variances, will be submitted to the Administrative Officer of the Planning Board for review by the Minor Site Plan Committee. Said Minor Site Plan Committee shall review the application and if approved by unanimous vote, report and recommend approval of the application, without the necessity of a hearing, to the full Planning Board. The Planning Board shall act upon said recommendation of the Minor Site Plan Committee within forty-five (45) days of the submission of a completed application to the Administrative Officer, or within such period of time which may be consented to by the applicant. Should the full Planning Board not accept the recommendation of the Committee by a majority vote, the applicant shall be required to file an application for minor site plan approval to be presented to the full Planning Board. The applicant will be required to pay the fees as set forth for minor site plan approval, however, a credit shall be applied to any fees or escrow deposits paid for review by the Minor Site Plan Committee.

"Motel." See Hotel.

"Open space" shall mean any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space; provided that such areas may be improved with only those buildings, structures, streets and off-street parking and other improvements that are designed to be incidental and related to the natural openness of the land.

'Open Space Trust Fund' shall mean a trust fund, established by the governing body of the Township of Ocean, which will be used to acquire, preserve, develop, improve and maintain lands for open space, conservation, historic preservation, farmland preservation, recreation, and parkland and/or for payment of debt service on indebtedness issued or incurred for acquisition, preservation and development of such lands acquired for open space, conservation, historic preservation, farmland preservation, recreation or parkland.

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"Owner" shall mean any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence proceedings under this chapter to effect a subdivision of land hereunder for himself or another.

"Parking space" shall mean an off-street space available for the parking of a motor vehicle.

"Personal Trainer" is an individual skilled in providing one-on-one physical and/or rehabilitative training to another individual. A personal trainer would not include those individuals who provide group lessons or training in a health club or other similar environment. Nothing in this definition is meant to preclude more than one personal trainer at any one location.

"Planned Adult Community" (PAC) shall mean a single contained development which shall be limited to occupancy by households where the head of household, or the spouse of the head of household, is a minimum of 55 years old and where no persons under the age of 18 are permanent residents.

"Planning Board" shall mean the officially appointed Planning Board of the Township of Ocean, New Jersey.

"Plat, final" shall mean the final map of all or portion of the subdivision which is presented to the municipal agency as provided for in the Land Use Procedures section (Article III) of this ordinance.

"Plat preliminary" shall mean a preliminary map indicating the proposed layout of the subdivision which is submitted to the Municipal Agency as provided for in the Land Use Procedures section (Article III) of this ordinance.

"Plat, sketch" shall mean the sketch map of a subdivision of sufficient accuracy for submission to be used for the purpose of discussion and classification and meeting the requirements of this chapter.

"Plaza" shall mean an open area that may be improved and landscaped surrounded by buildings or access ways/parking to include seating and fountain and/or water elements.

'Principal Tract' shall mean the tract of land upon which all residential development for a Discontiguous Cluster Option development is constructed. The Principal Tract must be entirely located within the zone in which the proposed use is permitted. It may consist of one or more tax lots provided that every tax lot has a common lot line with at least one other tax lot in the Principal Tract, and may not be physically separated by public streets, other tax lots or other means. In the event of split zoned lots, only those

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portions of any tax lot that are located in the zone or overlay zone in which the use is permitted shall be a part of the Principal Tract.

"Public Utility" shall mean any utility which is operated by a municipal, county, or State agency or government, or any other utility which is governed by N.J.S.A 48:2-13 of the Laws of the State of New Jersey.

"Projection" shall mean an extension of a building which protrudes or juts out from the vertical plane of the building not more than two feet.

"Recreational establishment" shall mean a building which is utilized primarily for the purpose of recreational uses including health clubs, gymnasiums, tennis clubs, indoor batting cages, and similar recreational facilities. Community Recreation Centers shall be considered recreational establishments for the purpose of this ordinance.

"Right-of-way" shall mean the land and space required on the surface, subsurface, and overhead for the construction and installation of materials necessary to provide passage for vehicular traffic, pedestrians, utility lines, poles, conduits and mains, signs, hydrants, trees and shrubbery and the proper amount of light and air as established by local authority, and shall be measured from lot line to lot line.

"Satellite Antenna or Dish" shall mean dish shaped antenna used for the purpose of transmitting or receiving electronic signals.

"School, boarding" shall mean a parochial school which provides residence halls or dormitories for boarding of students.

"School, parochial" shall mean a facility or use primarily for the education and instruction of individuals in academic or religious subjects and operated on a not-for-profit basis, from Kindergarten through Grade 12, and administered, supervised and directly affiliated with an exempted nonprofit organization.

"School, private" shall mean a facility or use primarily for the education and instruction of individuals in academic or religious subjects and operated on a not-for-profit basis, from pre-school through Grade 12, and administered, supervised, and directly affiliated with an exempted nonprofit organization.

"School, public" shall mean any school operated under the administrative authority of a duly constituted State, county, regional or municipal Board of Education.

"Screening" shall mean a visual barrier made up of planted or architectural materials for the purpose of preventing the view of an object or area by the general public or from adjacent properties.

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"Senior Citizen Apartment" shall mean any dwelling unit within a private residential community in which at least eighty percent (80%) of the dwelling units are permanently occupied by at least one (1) person 55 years of age or over, every unit shall be occupied by at least one (1) person of age 48 or older, and in which no children under the age of 19 are permitted to reside on a permanent basis. Appropriate restrictive covenants shall be imposed upon the community to ensure compliance with these age restrictions and with the "housing for older persons" exemptions of the Federal Fair Housing Act, 42 USC 3601, et seq."

"Senior Independent Living Facility" shall mean any residential facility, whether or not licensed by the State of New Jersey, which is a single contained development consisting of multi-family dwelling units in one or more buildings or structures in which at least eighty percent (80%) of the dwelling units are permanently occupied by at least one (1) person 55 years of age or over, every unit shall be occupied by at least one (1) person of age 48 or older, and appropriate amenities, as required by the Federal Fair Housing Act, are provided, with no resident being younger than 19 years old. In the event of the death of the widow or widower who is 55 years old, any remaining resident not 55 years old but older than 19 may continue to reside in the unit for the remainder of the term of the existing lease and for one additional lease renewal providing said renewal is not longer than twenty-four months. The facility shall include a kitchen and a space for congregate tableside dining, common leisure and recreation areas for residents, and offices for administration of the facility.

"Service drive" shall mean a roadway at least 22 feet in width which provides common access to two or more uses and, where adjacent to a public right-of-way, is separated from that right-of-way by a planting strip at least twenty-five feet wide.

"Setback" shall mean the minimum horizontal distance between the front, rear or side lot lines and the closest part of any building. When two or more tax lots under one ownership are used, the exterior property lines so grouped shall be used in determining setback, provided that the lots are merged into one parcel. The front setback shall be measured from any future right-of-way line as adopted in the Master Plan. The term "setback" is synonymous with "required setback" and shall mean a line beyond which a building or structure is not permitted to extend.

"Shopping Center" shall mean a commercial site consisting of the following:

- a minimum of 3 acres, exclusive of flood plain and wetlands;

- 10 or more separate business establishments which would otherwise be permitted within the zone, provided that a minimum of 50% of such uses are retail sales or service establishments.

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The site may consist of several adjacent parcels under separate ownership, provided the parcels have a common lot line and are developed as a single site with a single approved site plan. For the purpose of this definition, retail service establishments shall not include professional or general office uses, but shall include such uses as restaurants, beauty salons, dry cleaning services, and banks.

"Sign" shall mean any device, structure, or object including painted wall signs for visual communication that is used for the purpose of advertising the establishment, activity, or property on which the display is exhibited, but not including any one flag of any governmental or quasi-public club or organization.

"Sign area" shall mean the maximum projected area of the shape which encloses the sign, device or representation. In the case of lettering attached to building facades, the sign area shall be the product of the maximum vertical dimension multiplied by the maximum horizontal dimension of all lettering and symbols which form the sign, including the empty space between the letters and symbols.

"Sign, free-standing" shall mean a sign not attached to any building. For the purposes of this ordinance, a billboard shall not be considered a free standing sign.

"Sign, overhanging" shall mean a sign attached to and perpendicular to an exterior wall of a building.

"Sign, roof" shall mean a sign attached on a roof that projects higher than the highest part of the building. Also includes signs inscribed or painted on a roof except as required by the Federal Aviation Administration.

"Site Plan - Amended" shall mean an amendment of an approved site plan provided that:

- a. the construction and site work on the approved site plan have not been completed;
- b. proposed changes are incidental to the approved plan;
- c. and the building square footage, parking and/or loading requirements, and runoff will not be increased.

"Site Plan - Major" shall mean any site plan which is not a Minor Site Plan or Amended Site Plan.

"Site Plan - Minor" shall mean any proposed alteration of an approved site plan or building exterior for which construction has been completed which does not involve any of the following:

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- a. The creation of or the need for additional parking or loading spaces;
- b. The construction of additional impervious surface totaling more than two percent of buildable lot area; or,
- c. An increase in building coverage of more than two percent of buildable lot area.

The addition, deletion, or relocation of doors and windows or the construction or re-construction of the roofline of an entire building, or the erection of canopies pursuant to Section 21-53.6 shall not constitute a minor site plan.

"Sporting goods store" is a retail establishment for the sale of equipment and clothing for use in recreational pursuits. While the sale of guns and firearms is permitted, such sales must be accessory to the overall operation of the establishment.

"Story" shall mean that portion of a building that is accessed by an exterior doorway or permanently installed stairs and is included between the upper surface of a floor and upper surface of the floor or roof next and directly above.

"Story above grade" any story having its finished floor surface more than 54" above the finished grade at any point in the architectural rear of the building or more than 36" above finished grade at any point in the architectural front of the building. A ground level parking garage shall not be considered a story.

"Stream right-of-way" shall mean the distance or width located on both sides of a stream or watercourse which has been dedicated, deeded or granted by easement to any government agency for stream right-of-way or which has been indicated in an officially adopted stream improvement program.

"Street" shall mean any street, avenue, boulevard, road, parkway, viaduct, drive or other way: (1) which is an existing State, county, or municipal roadway; or (2) which is shown upon a plat heretofore approved pursuant to law; or (3) which is approved by official action as provided by law; or (4) which is shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a Planning Board and the grant to such board of the power to review plats; and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas and other areas within the street lines.

"Street, alley" shall mean a minor way which is used primarily for vehicular service access to the rear or side of properties otherwise abutting a street.

"Street, arterial" shall mean street used primarily for traveling between communities and designed to handle greater volumes of traffic than local or collector streets.

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"Street, collector" shall mean those streets which carry traffic from minor streets to the major and arterial streets.

"Street, cul-de-sac" shall mean a local dead-end street terminating in a circular turnaround generally not used for ingress and egress by more than ten abutting lots.

"Street line" shall mean that line determining the limit of the highway rights of the public. Street line and right-of-way line are synonymous.

"Street, loop" shall mean a continuous local street whose entrance and exit are parallel or nearly parallel to each other and generally not used for ingress and egress by more than 50 abutting lots.

"Street, major" shall mean those streets that form a continuous network connecting all arterial streets and provide through traffic movements and serve adjacent commercial, industrial and residential uses.

"Street, minor" shall mean those streets that need be entered only for stopping at a destination on that street and which need not be used for general circulation or through traffic.

"Street, residential" shall mean a street or portion thereof which is located in a residential zone.

"Structure" shall mean a combination of materials to form a construction for occupancy, use or ornamentation whether installed on, above, or below the surface of a parcel of land.

"Subdivider" shall mean any individual, firm, association, syndicate, co-partnership, corporation, or other legal entity commencing proceedings to subdivide the land for himself or for another according to the provisions of this chapter.

"Subdivision, amended" shall mean an amendment to an approved subdivision which:

- a. does not change the number of lots created by the original subdivision;
- b. does not create any new variances;
- c. does not involve additional off-tract improvements, or the alteration of previously approved off-tract improvements;
- d. does not involve the reduction of dedicated open space.

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"Subdivision committee" shall mean a committee or the planning administrator, when so appointed by the Chairman of the Municipal Agency, for the purpose of classifying subdivisions in accordance with the provisions of this chapter and of performing such other duties relating to land subdivision as may be conferred on this committee by the Municipal Agency.

"Subdivision, Major" any subdivision not classified as a minor or amended subdivision.

"Subdivision, Minor" shall mean a subdivision of land for the creation of not more than four lots, provided that such subdivision does not involve:

- a. a planned development;
- b. any new street; or
- c. the extension of any off-tract improvement.

"Swimming pool and tennis courts, private" shall mean a swimming pool and tennis court located as an accessory to a residential use on the same lot as the principal use it serves, is utilized only by the occupant of the residence or his non-paying guests and is not operated for profit.

"Swimming pool and tennis courts, public" shall mean a swimming pool and tennis court open to the general public or open to members only of a club or organization whether operated for profit or not.

"Tower" see wireless telecommunications tower.

"Use, principal" shall mean the primary purpose for which a specific lot is designed, arranged, intended or for which it is or may be occupied or maintained.

"Use, accessory" shall mean a use which is incidental to that of a principal use on the same lot.

"Use, permitted" shall mean a use of a building or land that conforms with the provisions of this chapter.

"Use, nonconforming" shall mean a use of a building or land that does not conform with the provisions of this chapter for the zone in which it is located.

"Use, public" shall mean any use of land or structures thereon which is owned and used by the federal, State, county or municipal governments. Public use shall also include property not owned by a governmental entity but is leased or used for that purpose.

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"Use, residential" shall mean the use of a building or part as a dwelling unit.

"Use, quasi-public" shall mean any use which is a public gathering place, but not publicly owned, which is non-profit and not commercial in nature. The term "quasi-public" shall mean the same as the term "semi-public".

"Wireless Telecommunications Tower" shall mean any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

"Yard" shall mean an open space on the same lot with a principal building, open, unoccupied and unobstructed by buildings from the ground to the sky, except as otherwise provided in this chapter. The minimum required yard shall be the same as required setback.

"Yard, front" shall mean the yard extending across the entire width of the lot between the street line and the required front setback.

"Yard, rear" shall mean the yard extending across the entire width of the lot between the rear lot line and the required rear setback.

"Yard, side" shall mean a yard extending along the side lot line from the front yard to the rear yard and lying between the side lot line and the required side setback.

"Zoning Board of Adjustment" shall mean the officially appointed Zoning Board of Adjustment of the Township of Ocean.

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not more that two foot intervals and proposed finished grades on a map drawn to a scale of not less than one inch equals 50 feet, which map shall be furnished by a licensed engineer or land surveyor. No fill material shall consist of any type of industrial wastes, building debris, obnoxious materials, or similar substances.

21-20.17 Outside Display. No outside display of wares for sale, vending machines, or products manufactured on the site shall be permitted in the front yard on any lot, except as otherwise permitted by this chapter.

21-20.18 Roof Structures. Roof structures such as mechanical equipment, water towers, etc. shall be screened from public view, or designed, in such a fashion as to complement the architecture of the building. This restriction shall not apply to solar panels erected on the roof of a building as long as it is demonstrated to the satisfaction of the Planning Administrator or his/her designee that the placement of the panels without screening is necessary for the efficient operation of the panels.

21-20.19 Walls, Fences and Hedges. At the intersection of two or more streets, no wall, fence, hedge, or other structure shall be erected to a height in excess of two and one-half feet above curb level, nor any other obstruction to vision shall be permitted within the required sight triangle.

21-20.20 Specific Prohibition. All uses not specifically permitted in a zone are specifically prohibited in that zone.

21-20.21 Site Plan for Off-Street Parking. Site Plan approval shall be required to construct or expand off-street parking in all zones, except that no such permit shall be required for a driveway of a single family residence.

21-20.22 Trailers, Recreational Vehicles. All trailers, trailer coaches, or automobile trailers or any vehicle or structure designed and constructed in such manner as will permit occupancy thereof as sleeping quarters for one or more persons, or the conduct of any business or profession, occupation or trade, and originally designed to be mounted on wheels or used as a conveyance or propelled or drawn by its own or other motive power and from which said wheels or other means of locomotion or transportation have been removed, shall be prohibited in the municipality. The municipal Building Inspector shall not issue a building permit, Certificate of Occupancy or other permits or certificates which will permit said trailers, trailer coaches, automobile trailers or other such vehicles, to be located within the territorial limitations of the municipality.

In residential zones, recreation vehicles, boat trailers, and boats shall be permitted to be stored in any yard but shall not be located any closer to a side or rear lot line than a permitted accessory building of similar size and height. They shall not be permitted to be stored in a front yard for periods exceeding 2 weeks. No boat or recreation vehicle

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Article IV - R-2 Requirements

21-24 R-2 Low Density Single-Family Residential Zone.

The purpose of the R-2 residential zone is to provide for new areas and protect the character of existing areas with 1/2 acre lots. The provisions and regulations set forth herein encourage the future development and maintenance of these areas as residential areas for strictly residential purposes by prohibiting commercial development or conversions to commercial or multi-family housing.

21-24.1 Permitted Uses. A building may be erected, altered, or used, and a lot or premises may be occupied and used for any of the following purposes:

- a. Principal permitted uses and structures.
 - 1. Single family residential dwellings within a non-cluster or a cluster development.
 - 2. Family Day Care Home.
- b. Accessory buildings not to exceed 15 feet in height, structures and uses including:
 - 1. Private garage, not to exceed two spaces.
 - 2. Buildings for tools and equipment used for maintenance of the grounds, and greenhouses for hobby use.
 - 3. Private swimming pools and tennis courts.
 - 4. Signs, subject to the special conditions of this chapter.
 - 5. Fences and hedges subject to the special conditions of this chapter.
 - 6. Decks and Open Porches.
 - 7. Other customary accessory uses and structures which are clearly incidental to the principal structure and use.
- c. The following uses are permitted subject to approval of the Planning Board and the special conditions of this chapter.
 - 1. Government buildings and services which are necessary to the health, safety, convenience, and general welfare of the inhabitants of the municipality. This category shall include volunteer fire companies.
 - 2. Public utility installations.

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3. Churches, synagogues, parish houses, and similar religious uses.
4. Public schools, parochial schools and boarding schools.
5. Satellite antenna dishes greater than one (1) meter in diameter.
6. Community Recreation Center.

21-24.2 Development Standards. The R-2 residential zone specified herewith shall be occupied only as indicated in this chapter.

a. Single-family (Non-Cluster).

I. Principal buildings.

- | | |
|--|---------------------|
| (a) Minimum lot size | - 22,500 square ft. |
| (b) Minimum lot width | - 125 feet |
| (c) Minimum lot depth | - 125 feet |
| (d) Minimum front yard setback
(measured from the future
street R.O.W. | - 50 feet |
| (e) Minimum side yard setback | - 10 feet |
| (f) Minimum both side yard setback | - 30 feet |
| (g) Minimum rear yard setback | - 40 feet |
| (h) Minimum gross floor area | |

(1) Two story dwellings:

- | | |
|---------------------|--------------------|
| First floor minimum | - 1,200 square ft. |
| Overall minimum | - 2,200 square ft. |

(2) One and one-half story dwellings:

- | | |
|---------------------|--------------------|
| First floor minimum | - 1,400 square ft. |
| Overall minimum | - 2,200 square ft. |

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Article IV - R-4 Requirements

21-26 R-4 Medium Density Single-Family Residential Zone.

The purpose of the R-4 residential zone is to provide for smaller lot sizes to meet the desires of a certain segment of the population who need and desire lower cost housing and to zone the area in conformance with existing lot sizes. The provisions and regulations set forth herein encourage the future development and maintenance of this area as a residential area.

21-26.1 Permitted Uses. A building may be erected, altered, or used, and a lot or premises may be occupied and used for any one of the following purposes:

- a. Principal permitted uses and structures.
 1. Detached one-family dwelling.
 2. Family Day Care Homes.
- b. Accessory buildings not to exceed 15 feet in height, structures and uses including:
 1. Private garage, not to exceed two spaces.
 2. Buildings for tools and equipment used for maintenance of the grounds, and greenhouses for hobby use.
 3. Private swimming pools and tennis courts.
 4. Signs, subject to the special conditions of this chapter.
 5. Fences and hedges subject to the special conditions of this chapter.
 6. Decks and Open Porches.
 7. Other customary accessory uses and structures which are clearly incidental to the principal structure and use.
- c. The following uses are permitted subject to approval of the Planning Board and the special conditions of this chapter:
 1. Government buildings and services which are necessary to the health, safety, convenience, and general welfare of the inhabitants of the municipality. This category shall include volunteer fire companies.
 2. Public utility installations.

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3. Churches, synagogues, parish houses, and similar religious uses.
4. Public schools, parochial schools and boarding schools.
5. Senior citizen housing complex.
6. Satellite antenna dishes greater than one (1) meter in diameter.
7. Community Recreation Center

21-26.2 Development Standards. The R-4 residential zone specified herewith shall be occupied only as indicated in this chapter.

a. Single-Family.

1. Principal buildings.

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|--|------------------|
| (a) Minimum lot size | - 10,000 sq. ft. |
| (b) Minimum lot width | - 90 feet |
| (c) Minimum lot depth | - 100 feet |
| (d) Minimum front yard setback
(measured from the future
street. R.O.W.) | - 30 feet |
| (e) Minimum side yard setback | - 10 feet |
| (f) Minimum both side yard setbacks | - 25 feet |
| (g) Minimum rear yard setback | - 30 feet |
| (h) Minimum gross floor area | |
| (1) Two story dwellings: | |
| First floor minimum | - 700 sq. ft. |
| Overall minimum | - 1,400 sq. ft. |
| (2) One and one-half story dwellings: | |
| First floor minimum | - 850 sq. ft. |
| Overall minimum | - 1,400 sq. ft. |

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Article IV - AR-3/PRD Requirements

21-32 AR-3/PRD Affordable Housing Zone.

The purpose of the AR-3/PRD Zone is to permit harmonious development of mixed residential uses to serve the demand for affordable housing of varied types and designs, to allow flexibility and economy in layout and design and promote conservation and more efficient use of open space.

21-32.1 Permitted Uses. A building may be erected, altered, or used, and a lot or premises may be occupied and used for the following purposes:

a. Principal Buildings and Uses:

1. Detached one-family dwellings.
2. Affordable residential development.
3. Family Day Care Homes.

b. Accessory Buildings, Structures and Uses:

1. Accessory buildings, structures and uses for one-family dwellings the same as permitted in the R-3 zone.
2. Accessory buildings, structures, and uses to service senior citizen housing and townhouse units including recreational facilities, club houses and the like.

c. Conditional Uses:

1. The same conditional uses that are permitted in the R-3 Zone subject to approval of the Planning Board and the special conditions of this chapter.
2. Indoor Recreational Facilities.
3. Senior Independent Living Facilities.
4. Affordable Apartment Flats

21-32.2 Development Standards. The AR-3/PRD Zone specified herewith shall be occupied only as indicated in this chapter and as follows:

- a. The R-3 standards for cluster single-family residences as listed in Subsection 21-25.2, paragraph b. of this chapter shall apply for all single-family detached houses in the AR-3/PRD Zone.

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21-35 C-1 Neighborhood Commercial Zone.

The purpose of the C-1 Neighborhood Commercial Zone is to provide retail centers in which will be found the shopping goods and services required to meet the daily needs of residents in the immediate vicinity or neighborhood. It is specifically intended for retail sales and services in the older established areas of the community.

21-35.1 Permitted Uses. A building may be erected, altered, or used and a lot or premises may be occupied and used for any of the following purposes:

a. Principal Buildings and Uses.

Antique store
Apparel
Appliance store
Artist's supply
Bakery store
Bank
Barber store
Beauty and cosmetic shop
Bicycle store (non-motorized)
Books, periodicals and newspaper sales
Business office
Butcher store or meat market (no slaughtering permitted)
Candy store
Card store
Ceramic store
Cigars and tobacco sales
Cleaners (no processing)
Coin dealer
Dairy products, retail
Delicatessen
Drug store
Finance company
Florist
Fruit and vegetable market
Gift shop
Grocery store
Hardware store
Hobby store
Ice cream store
Jewelry store
Liquor store
Locksmith

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Luncheonette (non drive-in)
Medical and dental clinic and offices
Musical instrument store
Newsstand
Notary
Paint, glass and wallpaper store
Personal trainers
Pharmacy
Photography studio
Private schools
Professional office
Public utilities office
Real estate and insurance office
Record store
Restaurant (non drive-in, non fast-food)
Rug/Flooring store
Seafood store
Shoe or hat repair store
Snack bar (non drive-in)
Specialty food store
Sporting goods store
Stationery store
Tailor
Tavern
Television, radio, electronics, sales and service
Travel agency
Video store

b. Accessory Buildings and Uses Including:

1. Private garage space not to exceed three spaces for the storage of vehicles operated exclusively as part of a permitted use which is located on the subject site.
2. Signs subject to the provisions of the requirements of this chapter.
3. Fences and hedges subject to the requirements of this chapter.
4. Buildings for tools and equipment used for maintenance of the grounds.
5. Other customary accessory uses and structures which are clearly incidental to the principal structure and use.

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21-36 C-2 Highway Commercial Zone.

The purpose of the C-2 Highway Commercial Zone is to provide areas for retail sales and services to serve the residents of the Township of Ocean and adjacent communities; to promote compatible land use development of attractive building groups; to ensure the compatibility of the development with adjacent residential areas; to improve and provide for the efficient and safe traffic flow within and through the C-2 Zone; and to provide highway oriented commercial uses in the proper location in the community.

21-36.1 Permitted Uses. A building may be erected, altered, or used, and a lot or premises may be occupied and used for any of the following purposes:

a. Principal Buildings and Uses.

Advertising agency
Advertising specialty office
Antique store
Apparel
Appliance store
Art gallery
Artist's supply
Audio visual equipment
Auto supplies; parts and accessories (not including used or junk parts)
Bakery store
Bank
Barber shop
Beauty and cosmetic shop
Blueprinting and photostating
Bicycle store
Books, periodicals and newspaper sales
Broadcasting studio
Business equipment sales
Business office
Butcher store or meat market (no slaughtering permitted)
Cafeteria
Camera and/or photographic supply store
Candy store
Caterers
Ceramic store
China store
Cigars and tobacco sales
Cleaners pick-up or laundry pick-up
Clothing and pressing establishments

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Coin dealer
Cosmetic store
Costume rental
Credit union office
Curtain store
Dairy products, retail
Delicatessen
Department store
Diner
Drugstore
Eating establishments (non drive-in, non fast-food)
Employment agency
Electrical supplies
Exterminator
Fabric store
Finance company
Fire protection equipment sale, non-automotive
Floor covering
Florist
Food products
Fruit and vegetable market
Funeral services
Fur store
Furniture sales
General office buildings
Gift store
Glassware
Greeting card store
Grocery store
Gymnastics and martial arts studios
Hardware
Health Clubs
Hobby store
Home furnishings
Home improvement offices
Hospitals, animal
Household appliance
Ice cream store
Insurance company
Interior decorator
Jewelry store
Kitchen equipment
Laundry and dry cleaning
Lawn maintenance services office

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Leather goods and luggage
Liquor store
Locksmith
Luncheonette
Mail order house
Major appliance sales
Medical and dental clinic and offices
Metalware
Motorcycle sales and rental
Museum
Music and Dance Studios
Musical instrument store
Notary
Nursing home
Office equipment and supplies
Optical goods
Paint, glass and wallpaper store
Personal trainers
Pet grooming
Pet shop
Pharmacy
Phonographic sales and service
Photographic studio
Printers office and establishment
Private school
Physical culture and health establishments
Professional office
Public utilities office
Real estate and insurance
Record store
Reducing salon
Restaurant (non drive-in, non fast-food)
Sandwich store
Savings and loan association
Seafood store
Shoe and hat repair
Shopping Center
Specialty food store
Sporting goods store
Stamp and coin store
Stamp redemption centers
Stationery store
Supermarket
Surgical and medical supplies sales

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Tailor
Telephone answering service
Television, radio, electronics, sales and service
Toy store
Travel agency
Travel ticket office
Telephone and telegraph office
Uniform rental and sales
Variety store
Veterinary hospital
Video Store
Window cleaning service

b. Accessory Buildings and Uses Including:

1. Private garage space not to exceed three spaces for the storage of vehicles operated exclusively as part of a permitted business which is located on the subject site.
2. Signs subject to the requirements of this chapter.
3. Fences and hedges subject to the requirements of this chapter.
4. Buildings for tools and equipment used for maintenance of the grounds.
5. Other customary accessory uses and structures which are clearly incidental to the principal structure and uses.

c. The following conditional uses are permitted subject to approval of the Planning Board and the special conditions of this chapter.

1. Public utility installation
2. Car washes
3. Automotive gasoline station
4. Automotive service station
5. Automotive sales and service
6. Automotive accessory sales and installation
7. Plant nurseries, nursery stock supply and sales, garden landscape supplies

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8. Government building and services
9. Churches, synagogues, and similar religious uses
10. Eating establishments (drive-in or fast-food)
11. Quasi-public uses including clubs, lodges, and similar uses
12. Billboard signs
13. Child Day Care Centers.
14. Satellite antenna dishes greater than two (2) meters in diameter.
15. Movie Theater, Indoor.
16. Automotive rentals and leasing
17. Automotive gasoline station/C-store
18. Wireless Telecommunications Tower and Antenna
19. Mixed Use Commercial and Self-Storage

21-36.2 Development Standards. The C-2 Commercial Zone specified herewith shall be occupied only as indicated in this chapter which is as follows:

a. Principal Buildings.

- | | |
|--|--|
| 1. Minimum lot size | - 2 acres |
| 2. Minimum lot width | - 250 feet |
| 3. Minimum lot depth | - 250 feet |
| 4. Minimum front yard setback
(measured from the
future street R.O.W.) | - 100 feet(Note 1) |
| 5. Minimum side yard setback | - 25 feet (one side)(Note 1)
- 50 feet(both sides)(Note1) |
| 6. Minimum rear yard setback | - 50 feet(Note 1) |

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21-38 C-4 Regional Commercial Zone.

The purpose of the C-4 District is to allow the development of regional shopping facilities which offer multiple retail commercial, office and service operations in an area with convenient major highway access. It is intended that the hub of this area be developed in accordance with an overall plan coordinating the architectural features, landscaping, drainage, shared parking, types of uses, controlled access points and similar standards and aesthetic features so that the final product will be a self-contained shopping center whether constructed all at one time or in stages over a period of time. Smaller properties surrounding the hub should be developed with complementary and compatible uses, and integrated with the major shopping center design where possible.

21-38.1 Permitted Uses.

a. Principal Permitted Uses

1. A Regional Shopping Center which shall be deemed to be an integrated development of retail stores and shops. Among the uses and activities permitted as a matter of right within a Regional Shopping Center shall be the following:

- Amusement center - game room
- Architectural and drafting supply sales and instruction
- Art gallery or museum
- Art school
- Art supply store
- Audio-visual equipment and supply
- Auditoriums
- Auto supplies, parts and accessories
- Bakery
- Banks and other financial institutions
- Barber shop
- Beauty shop
- Blueprinting and photostating
- Book store
- Business school
- Butcher shop or meat market (no slaughtering permitted)
- Cafeterias
- Candy and confectionery stores
- Carpet, rug and floor covering store
- Ceramic equipment and supply sales
- Cleaner or laundry pickup
- Clothing or clothing accessory store
- Clothing or costume rental
- Child care center

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Cosmetic shop
Curtain and drapery shop
Dance school
Delicatessen
Department store
Drug store or pharmacy
Dry goods or fabric sales
Eating and drinking establishment (non drive-in)
Electronic and computer equipment sales and service (including minor assembly of electronics and computer parts for retail sale to end users only)
Florist shop
Food store
Furniture or home furnishings
Gift, souvenir or card shop
Greeting card shop
Grocery
Gun Shop
Haberdasher
Hairdresser
Hobby shop or sporting goods stores
Household appliance sales and repair
Indoor Theater
Ice cream store
Interior decorating establishment
Jewelry shop
Junior department store
Leather goods or luggage store
Library
Liquor Store
Locksmith
Luncheonette
Medical and dental laboratory equipment and supplies
Medical offices
Men's clothing and accessories
Music school
Music store
Newsstand
Offices, business and professional
Offices, general
Office equipment and supplies
Office fixtures and furnishings sales
Office services
Optometrist
Package liquor store

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Paint store
Parking structure
Pet shop
Photographic equipment sales
Photographic studio
Physical culture or health establishment
Post office
Printing, custom
Public offices and facilities
Record shop
Restaurants
Safe depository
Sewing machine store
Shoe store
Shoe or hat repair shop
Shoe shine parlor
Skating rink
Snack bar
Sporting goods
Stamp or coin store
Stamp redemption center
Stationery store
Supermarket
Tailor dressmaking shop
Telephone, radio and phonograph sales and service
Theaters in enclosed buildings
Tobacco shop
Toy store
Travel agency
Umbrella shop
Variety shop
Video Store
Wallpaper store
Women's clothing and accessories

Any use not specifically listed above but which is substantially similar in purpose, function, character and effect to any one of the issues listed, shall be permitted in a Regional Shopping Center upon approval by the Planning Board.

b. Accessory Permitted Structures and Uses.

1. Signs subject to the requirements of this chapter.
2. Fences and hedges subject to the requirements of this chapter.

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21-40 O-1/20 Office/ Limited Service Zone.

The purpose of the O-1/20 Office/Limited Service Zone is to provide for the development of professional or general office, medical or dental offices, and limited service uses in the Township of Ocean on lots of 20,000 square feet or larger; to provide for compatible land use relationships to restrict the emission of any environmental pollutants; and to provide for the safe and efficient flow of vehicles to and from the office research areas.

21-40.1 Permitted Uses. A building may be erected, altered or used and a lot or premises may be occupied and used for any of the following purposes:

a. Principal uses shall include:

1. Office buildings for executive or administrative purposes, professional or general offices, and medical or dental offices.
2. Laboratories similar to the following but not including manufacturing: biological, chemical, dental, pharmaceutical and general research.
3. Data processing and computer operations.
4. In addition to the above, any office-research facility not inconsistent with the above, that is similar in purpose, function, character and effort.
5. Indoor Recreation Facilities
6. Career counseling services and activities

b. Accessory Buildings and Uses Including:

1. Private garage space for the storage of vehicles operated exclusively as part of a permitted use located on the same site.
2. Signs subject to the provisions of this Chapter.
3. Fences and hedges subject to the provisions of this Chapter.
4. Other customary accessory uses and structures which are clearly incidental to the principal structure and use.

c. Conditional Uses. The following conditional uses are permitted subject to approval by the Planning Board and to the special conditions set forth in this chapter.

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- b. No more than one non-resident employee is permitted on the premises at any one time.
- c. Off street parking is to be provided in a manner consistent with a residential use.
- d. A fence or vegetative screen shall be provided along any rear and side yard.

21-51.21 Community Recreation Center

- a. Minimum Lot Area - 10 acres
- b. Minimum Lot Width - 500'
- c. Minimum Lot Depth - 600'
- d. Minimum Front Yard Setback - 100'
- e. Minimum Side Yard Setback - 100'
from existing residences or undeveloped
residentially zoned property; 60' from all
other property
- f. Minimum Rear Yard Setback - 100'
from existing residences or undeveloped
residentially zoned property; 60' from all
other property
- g. Maximum Floor Area Ratio - 25%
- h. Minimum required buffer from existing residences and undeveloped residentially
zoned properties - 60'

21-51.22 Senior Citizen Housing in an R-4 Zone and R-4HO Zone

- a. The site must be designated, on the Master Plan Land Use Plan, as a Senior Citizen Housing site.
- b. A maximum density of 20 units per acre is permitted.
- c. Except as noted below, all setback and bulk requirements of the R-1 Zone shall apply.

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- d. A minimum buffer of 25' shall be provided on all side and rear property lines.
- e. Minimum distance between buildings - 35 feet between any two front facades or any front facade with a side or rear facade; 35 feet between any two side or rear facades.
- f. Minimum setback from parking area - 10 feet.
- g. Maximum building length - 150 feet.
- h. Maximum units per structure - 24.
- i. Minimum unit size:
 - 1. Efficiency - 550 square feet.
 - 2. 1 Bedroom - 650 square feet.
 - 3. 2 Bedroom - 750 square feet.
- j. Each principal building shall:
 - 1. Not allow or contain outside television antenna. All television antenna equipment shall be built into the building to eliminate individual television antennas from being erected on the roof.
 - 2. Provide, in an enclosed storage area, with a minimum vertical clearance of 5', of not less than 400 cubic feet of storage for each unit in the building.
 - 3. Not fail to provide, in an enclosed area, laundry facilities of not less than one washer and one dryer for each ten dwelling units for the exclusive use of the occupants of the building, unless washers and dryers are provided within each unit. No outside clothes lines or clothes hanging facilities or devices shall be provided or allowed.
 - 4. There shall be a trash and recyclable storage area completely surrounded by a six foot high solid architectural fence with front solid gates. All outside trash and recyclables shall be stored in this area and shall not be in public view over the fence. All accessory apparatuses shall be similarly enclosed.
- k. Indoor and outdoor recreation facilities, of adequate size to serve the occupants, shall be provided. An indoor recreation area, consisting of a minimum of three percent of the gross floor area of all residential units, but not less than 1,600 square

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feet, shall be provided. Outdoor leisure and recreation area, consisting of a minimum of 50 square feet per dwelling unit, shall also be provided.

21-51.23 Accessory Retail Sales in an I-1 Zone.

- a. The applicant must demonstrate that the retail use is directly related to the industrial use of the site. For example, if the industrial use is a manufacturing or warehousing use, the retail use may sell the products which are manufactured or warehoused.
- b. The retail use may occupy no more than 10% of the floor area of the Industrial use, but in no case more than 3,500 sq. ft. The "floor area of the Industrial use" utilized to calculate the permitted floor area for the accessory retail use shall include the total floor area of building or buildings on a site which are utilized for the specific industrial use in question, including the area to be utilized for retail use.
- c. Parking shall be provided at a rate of 1 parking space per 200 sq. ft. of retail space, in addition to the parking required for the industrial use.

21-51.24 Limited Retail and Service Uses in the O-1/80 and O-2 Zones

- a. Limited Retail and Service Uses may not be free standing, and must be located within an approved office building.
- b. Limited Retail and Service Uses (including pro-rated common space) may occupy no more than 35% of the gross floor area of the building within which they are located.
- c. The floor area ratio of the development on the site may be increased to 45% provided:
 1. Where the floor area ratio exceeds 30%, the floor area dedicated to retail and service use is equal to or greater than 1/2 of the floor area which exceeds 30%. Common space within the building shall be pro-rated to determine the total retail and service space.
 2. The minimum % landscaped area required shall be increased by 1% of the lot area for each 1% the floor area ratio exceeds 30%.
- d. There shall be no additional parking spaces required for any retail and service use space where that retail space exceeds a 30% floor area ratio. For example, if the floor area ratio of a building is 34%, and retail and service uses (including pro-rated common space) occupy a floor area ratio of 6%, parking shall not be required for those retail uses occupying a floor area ratio of 4%.

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2. Minimum lot width - 250 feet
 3. Minimum lot depth - 400 feet
 4. Minimum front yard setback - 100 feet
 5. Minimum side yard setback - 50 feet
 6. Minimum rear yard setback - 75 feet
 7. Minimum gross floor area - 5,000 sq. ft.
 8. Maximum lot coverage - 27% of buildable lot area
 9. Floor area ratio - 30%
 10. Maximum building height - 35 feet
- c. The exterior of the building as viewed from public streets and adjacent properties in the C-4 and O-1/80 Zone must have the appearance of an office use.
 - d. All loading areas must be completely screened from public streets and all properties located in the C-4 and o-1/80 Zones.
 - e. Outside storage of supplies or materials shall be prohibited.

21-51.30 Public and Parochial Schools in R-1, R-1T, R-2, R-3, R-4, R-4HO, R-5, R-6, R-7, R-/PRD, AR-3/PRD Zones and Boarding Schools in the R-2 and R-4 Zones.

- a. Requirements for Public and Parochial Schools in the R-1, R-1T, R-3/PRD, AR-3/PRD, and R-7 Zones

(1) Bulk Requirements for Public and Parochial Schools

Minimum Lot Area.....	10.0 acres plus 1 acre per 50 students for all students in excess of 500 students.
Minimum Lot Width.....	400 feet
Minimum Lot Depth	400 feet
Minimum Front Yard Setback	100 feet
Minimum Side Yard Setback	75 feet
Minimum Rear Yard Setback	75 feet
Maximum floor area ratio	20%
Maximum Building Height	Three (3) stories above grade or 35 feet, whichever is less.

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- (2) Where driveways, parking areas or play areas are adjacent to a vacant or residential property in a residential zone, a buffer strip with a width equal to 5' for every acre of land, rounded to the nearest acre, shall be provided along all side and rear lot lines except as follows:

the required buffer on each side yard may be reduced to 20% of the distance between side lot lines at any point where the buffer width, as required above, exceeds 20% of the distance between side lot lines at that point;

the required buffer on rear yards may be reduced to 20% of the distance between front and rear lot lines at any point where the buffer width, as required above, exceeds 20% of the distance between the front and rear lot lines at that point;

regardless of the above, the minimum required buffer shall be not less than 50' and the maximum required buffer shall be not more than 100'.

- b. Requirements for Public and Parochial schools in the R-2 and R-3 Zones and Boarding Schools in the R-2 Zone.

- (1) Bulk Requirements for Public and Parochial Schools

Minimum Lot Area	7.0 acres plus 1 acre per 50 students for all students in excess of 350 students.
Minimum Lot Width	250 feet
Minimum Lot Depth	200 feet
Minimum Front Yard Setback	50 feet
Minimum Side Yard Setback	40 feet
Minimum Rear Yard Setback	60 feet
Maximum floor area ratio	25%
Maximum Building Height	Two (2) stories above grade or 30 feet, whichever is less.

- (2) Where driveways, parking areas or play areas are adjacent to a vacant or residential property in a residential zone, a buffer strip with a width equal to 5' for every acre of land, rounded to the nearest acre, shall be provided along all side and rear lot lines except as follows:

the required buffer on each side yard may be reduced to 20% of the distance between side lot lines at any point where the buffer width, as required above, exceeds 20% of the distance between side lot lines at that point;

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the required buffer on rear yards may be reduced to 20% of the distance between front and rear lot lines at any point where the buffer width, as required above, exceeds 20% of the distance between the front and rear lot lines at that point;

regardless of the above, the minimum required buffer shall be not less than 25' and the maximum required buffer shall be not more than 100'.

(3) Additional requirements for Boarding Schools in the R-2 Zone.

- (a) No more than 80 persons, including but not limited to staff and boarding students, shall be permitted to remain on site between the hours of 12 AM (midnight) and 6 AM.
- (b) Boarding students shall be in grades 9 thru 12 and in no case shall a boarding student be older than 18 years of age at the beginning of the academic year.
- (c) There shall be no outdoor lighting of playfields or recreation areas after dusk, except that lighting shall be permitted for security purposes only, and shall be limited to that lighting which is specifically permitted by the reviewing Municipal Agency, and is shown on an approved site plan.
- (d) There shall be no outdoor recreational or group activities after 9 PM.
- (e) Students shall be prohibited from having pets or automobiles on site at any time.

c. Requirements for Public and Parochial Schools in the R-4, R-4HO, R-5, and R-6 Zones

(1) Bulk Requirements for Public and Parochial Schools

Minimum Lot Area	2.0 acres plus 1 acre per 50 students for all students in excess of 150 students.
Minimum Lot Width	200 feet
Minimum Lot Depth	200 feet
Minimum Front Yard Setback	50 feet
Minimum Side Yard Setback	40 feet
Minimum Rear Yard Setback	60 feet
Maximum floor area ratio	30%
Maximum Building Height	Two (2) stories above grade or 30 feet, whichever is less.

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- (2) Where driveways, parking areas or play areas are adjacent to a vacant or residential property in a residential zone, a buffer strip with a width equal to 5' for every acre of land, rounded to the nearest acre, shall be provided along all side and rear lot lines except as follows:

the required buffer on each side yard may be reduced to 20% of the distance between side lot lines at any point where the buffer width, as required above, exceeds 20% of the distance between side lot lines at that point;

the required buffer on rear yards may be reduced to 20% of the distance between front and rear lot lines at any point where the buffer width, as required above, exceeds 20% of the distance between the front and rear lot lines at that point;

regardless of the above, the minimum required buffer shall be not less than 25' and the maximum required buffer shall be not more than 100'.

- (3) Additional requirements for Boarding Schools in the R-4 Zone.

- (a) No more than 50 persons, including but not limited to staff and boarding students shall be permitted to remain on site between the hours of 12 AM (midnight) and 6 AM.
- (b) Boarding students shall be in grades 9 thru 12 and in no case shall a boarding student be older than 18 years of age at the beginning of the academic year.
- (c) There shall be no outdoor lighting of playfields or recreation areas after dusk, except that lighting shall be permitted for security purposes only, and shall be limited to that lighting which is specifically permitted by the reviewing Municipal Agency, and is shown on an approved site plan.
- (d) There shall be no outdoor recreational or group activities after 9 PM.
- (e) Students shall be prohibited from having pets or automobiles on site at any time.

21-51.31 Accessory Warehouses in the C-5 Zone. Accessory warehouses shall be permitted as Conditional Uses in the C-5 Zone, subject to the following conditions: